

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. 2:23-cv-08683-RGK-MRWx

Date December 14, 2023

Title Hany S. Malek v. Ralph John Amato Jr. et al

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

N/A

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None appearing

None appearing

Proceedings: (IN CHAMBERS) Order to Show Cause re Dismissal for Lack of Prosecution

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed.R.Civ.Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed.R.Civ.Proc. 12(a)(1).

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing by **December 20, 2023** why this action should not be dismissed for lack of prosecution as to certain defendant/s.

Alternatively, the Court will consider the following a satisfactory response to the Order to Show Cause:

| | Alternative Response | Response Due Date | As to Defendant/s: |
|----------|---|-------------------|--|
| | Proof of timely service of summons and operative complaint | | |
| X | Response to the operative Complaint | 12/18/2023 | Ralph John Amato, Jr. Milagro Amato |
| X | If defendant fails to respond on the date above, Plaintiff's application for entry of default by clerk pursuant to Rule 55a of the Federal Rules of Civil Procedure | 12/20/2023 | Ralph John Amato, Jr. Milagro Amato |
| | Plaintiff's motion for default judgment pursuant to Rule 55b of the Federal Rules of Civil Procedure | | |

If a satisfactory response is not timely filed, the matter or the listed defendants will be dismissed for lack of prosecution. **A stipulation to extend dates or a notice of settlement do not constitute a proper response to this order.**

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument.

Plaintiff to serve this order on any non-appearing defendant/s who have been formally served.